

## **KENTUCKY DEPARTMENT OF EDUCATION**

### **STAFF NOTE**

#### **Action/Discussion Items:**

Revisions to the following Nutrition and Health Services regulations in 702 KAR Chapter 6 (Final):

702 KAR 6:010, Local responsibilities

702 KAR 6:020, District director

702 KAR 6:031, Repeal of 702 KAR 6:030, Principal's responsibilities

702 KAR 6:040, Personnel; policies and procedures

702 KAR 6:045, Personnel; food service employee qualifications

702 KAR 6:075, Reports and funds

702 KAR 6:090, Minimum nutritional standards for foods and beverages available on public school campuses during the school day; required nutrition and physical activity reports

#### **Applicable Statute or Regulation:**

KRS 156.010, 156.031, 156.035, 158.852, 42 USC 1751-1769b, 42 USC 1771-1789

#### **History/Background:**

***Existing Policy.*** Several of the regulations in 702 KAR Chapter 6 are in need of technical updating to incorporate changes resulting from recent statutory revisions and to assure correct references. The Kentucky Board of Education reviewed these proposed changes in December and the regulations are coming back for final approval. No changes have occurred since the December review.

A specific list of the changes are as follows:

- Staff recommends the updating of the name of the Kentucky Board of Education to reflect the current, correct name in the affected regulations (702 KAR 6:010; 702 KAR 6:040, 702 KAR 6:075).
- Staff further recommends deleting the words “food service” and “lunch” in favor of the word “nutrition”. First, the change reflects the increased expectations that all involved have of the programs and the people who administer them. Second, it reflects the language long used by the federal cognizant agency – the Food and Nutrition Service of USDA where the programs we are referring to are administered by the Child Nutrition Division and these are referred to as the Child Nutrition Programs. Third, some five years ago, after more than 50 years of existence as the American School Food Service Association, the premier professional development and program advocacy organization in this arena changed its name to the School Nutrition Association. All 50 state affiliate associations have followed suit, including the Kentucky School Nutrition Association. The Kentucky School Nutrition Association strongly concurs with this recommendation. Finally, it reflects the name of the Division and the title of the positions occupied by the professional staff. Just

“food service” is no longer the goal. (702 KAR 6:010, 702 KAR 6:020, 702 KAR 6:040, 702 KAR 6:045, 702 KAR 6:075, 702 KAR 6:090)

- Staff recommends changing language to reflect the enactment of KRS 158.852 dealing with the authority given to districts to “share” school nutrition directors (a timely idea given the current budget climate) and dealing with the educational qualifications and professional development requirements for school nutrition directors. (702 KAR 6:020)
- Staff recommends changing language to reflect the employment of technology in the processes involved in approving sponsors and paying claims for reimbursement (702 KAR 6:075), and recommends the repeal of 702 KAR 6:030 because the premise on which the regulation was promulgated was rendered moot by the enactment of KRS 158.852.

**Staff Recommendation and Rationale:**

Staff recommends final approval of 702 KAR 6:010, 702 KAR 6:020, 702 KAR 6:031, 702 KAR 6:040, 702 KAR 6:045, 702 KAR 6:075 and 702 KAR 6:090. The revisions reflect technical corrections and the purpose of the program.

**Groups Consulted and Brief Summary of Responses:**

The Local Superintendents Advisory Council will review the regulations at their next meeting and forward a letter to the board with their comments prior to the February meeting.

**Impact on Getting to Proficiency:**

The proposed language changes more accurately reflect concepts embedded in the program of studies and underscore our increasing understanding of the link between nutrition and student achievement.

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**Deputy Commissioner**

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**Interim Commissioner of Education**

**Date:**

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